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File Reference: 132815-0015 (Formerly 16676)	Contact Phone No 248-258-1318		
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Preliminary Amendment for filing in patent application	1 S/N 10/821,764.		
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y William I Clemens

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: DeMotte et al.) Group Art Unit: 3651
Serial No.: 10/821,764) Examiner: K. Tran
Filed: September 5, 2003) Attorney Docket: 132815-0015) (formerly 16676)
For: AUTOMATED PALLETIZING CASES HAVING MIXED SIZES AND SHAPES)))

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-14501

RESPONSE TO NOTICE OF NONRESPONSIVE AMENDMENT

Honorable Sir:

In the Notice of Nonresponsive Amendment, dated August 23, 2005, the Examiner stated that:

The reply filed on 06/28/2005 is not fully responsive to the prior Office Action, Species Restriction Requirement, because of the following omission(s) or matter(s): Applicant has inadvertently failed to point out the specific claim(s) that would read upon the elected Species III. See 37 CFR 1.11 1. Since the abovementioned reply appears to be bona fide, applicant is given ONE (1) MONTH or THIRTY (30) DAYS from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Attached is a copy of Applicants' "Supplemental Response to Restriction Requirement and Preliminary Amendment" filed on June 28, 2005. On page 1, it is stated that the claims readable on

000132815/0015/644061-1

Species III are Claims 1, 2, 9, 10, 11, 12, 19 and 20. This page appears in the Image File Wrapper as the second page of the document entitled "Amendment – After Non-Final Rejection". Therefore, the Supplemental Response filed on June 28 was fully responsive to the Restriction Requirement.

Applicants believe that the Examiner may have been looking at the "Response to Restriction Requirement" filed on June 24 which did omit the identification of the claims readable on Species III. This document appears in the Image File Wrapper entitled "Response to Election/Restriction Filed".

Respectfully submitted,

William J. Clemens, Reg. No. 26,855

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In re Application of: DeMotte et al.) Group Art Unit: 3651	
Serial No.: 10/821,764) Examiner: K. TRAN	
Filed:: September 5, 2003) Attorney Docket: 132815-0015) (formerly 16676	
For: AUTOMATED PALLETIZING CASES HAVING MIXED SIZES AND SHAPES)))	

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-14501

SUPPLEMENTAL RESPONSE TO RESTRICTION REQUIREMENT AND PRELIMINARY AMENDMENT

Honorable Sir:

In response to the restriction requirement set forth in the Office Action dated June 9, 2005, Applicants hereby elect Species III – the "Adjacent Rule" for examination, without traverse.

The claims readable on Species III are Claims 1, 2, 9, 10, 11, 12, 19, and 20. Claims 1, 2, 9, 10, 11, 12, and 19 are believed to be generic.

In addition, prior to the first Office Action, please enter the following amendments to the claims.

Respectfully submitted,

Michael L. Flynn, Reg. No. 47,566

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